

REMARKS

Applicant has carefully reviewed the Final Office Action mailed April 15, 2010, prior to preparing this response. Currently claims 1-4, 7-11, 13, 19-21 and 26-29 are pending in the application, with claims 1-4, 7-11, 13, 19-21 and 26-29 being rejected claims 5, 6, 22 and 23 being withdrawn from consideration. Claims 1, 10 and 27 have been amended, and claim 11 has been cancelled with this paper. Support for the amendments may be found, for example, in Figure 6d of the Application as originally filed. No new matter has been added. Favorable consideration of the above amendments and following remarks is respectfully requested.

Claim Objections

Claim 27 is objected to because of a cited informality. Accordingly, claim 27 is amended to replace the phrase "helical disposed" with the phrase "helically disposed". The scope of claim 27 is unchanged by this amendment. No new matter is added. Withdrawal of the objection is respectfully requested.

Claim Rejections under 35 U.S.C. § 112

Claims 10 and 11 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. While Applicant respectfully disagrees with these objections, Applicant has amended claim 10 and cancelled claim 11 with this amendment in the interest of furthering prosecution. Applicant respectfully requests withdrawal of the rejections.

Claim Rejections under 35 U.S.C. § 103

Claims 19-21 are rejected under 35 U.S.C. §103(a) as being unpatentable over McGlinch et al. (U.S. Patent No. 7,214,220), in view of Gadberry et al. (U.S. Patent No. 5,217,114). Applicant respectfully traverses this rejection, asserting a *prima facie* case of obviousness has not been established.

Claim 19 recites a circumferential interference fit member disposed in a channel of the hub assembly. The circumferential interference fit member includes a non-continuous ring having a gap between a first portion of the ring and a second portion of the ring. The gap allows the first portion of the ring to be deflected toward the second portion of the ring when the circumferential interference fit member is disposed in the lumen of the tubular member.

The cited combination of McGlinch et al. and Gadberry et al. fails to teach such a configuration. Namely, the O-ring of Gadberry et al., equated to the claimed interference fit member, is not a non-continuous ring having a gap between a first portion of the ring and a second portion of the ring. Dissimilarly, the O-ring of Gadberry et al. is continuous.

The Examiner states in the Office Action that “neither McGlinch nor Gadberry discloses the circumferential interference fit member including a non-continuous ring having a gap between a first portion of the ring and a second portion of the ring.” Applicant asserts that one of ordinary skill in the art would not be taught by the references, taken alone or in combination, to form the ring as non-continuous with a gap. Indeed, the continuous rings of McGlinch and Gadberry work sufficiently well in their respective devices, with no indication in either reference that there is any difficulty in manufacturing, installing or using such a continuous ring, or that having a gap would produce any improvements in performance.

The Examiner takes Official Notice in the Office Action, to which the Applicant respectfully disagrees. Applicant asserts that if it were old and conventional in the art to use split/gapped rings, then split/gaps rings would have been disclosed in the cited references.

Applicant asserts that claim 19 is not obvious in view of the references. Claims 20 and 21 depend from claim 19 and include addition limitations, and are also not obvious in view of the cited references. Applicant respectfully requests withdrawal of the rejections, or production of a reference demonstrating that at the time of the present invention, it was conventional in the art of forming seals in medical devices to use split/gapped rings.

Claims 1-4, 7-11 and 13 are rejected under 35 U.S.C. §103(a) as being unpatentable over McGlinch et al. (U.S. Patent No. 7,214,220), in view of Gadberry et al. (U.S. Patent No. 5,217,114) and Strawn (U.S. Patent No. 3,307,552). Applicant respectfully traverses this rejection, asserting a *prima facie* case of obviousness has not been established.

Claim 1, as currently amended, recites that “at least one of the first and second portions comprises a non-continuous ring having a gap between a first portion of the ring and a second portion of the ring”. For reasons similar to those presented with respect to claim 19, Applicant asserts that claim 1 is not obvious in view of the cited references. Claim 2-4, 7-11 and 13 depend from claim 1 and include additional limitations, and are also not obvious in view of the cited references. Applicant respectfully requests withdrawal of the rejections.

Double Patenting

Claims 1-4, 7-11, 13, 19-21 and 26-29 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-7 of U.S. Patent No 7,214,220 (McGlinch et al.) in view of Gadberry. Applicant respectfully traverses this rejection.

Regarding claims 1-4, 7-11, 13, 19-21 and 28-29, the Examiner states in the Office Action that “neither McGlinch nor Gadberry discloses the circumferential interference fit member including a non-continuous ring having a gap between a first portion of the ring and a second portion of the ring.” Applicant notes that the complete disclosure of McGlinch includes claims 1-7 of McGlinch.

For reasons similar to those presented above with respect to claims 1 and 19, Applicant asserts that the double patenting rejection is improper, and requests withdrawal of the rejections.

Claim 26 recites various elements not taught or suggested by the cited references including, for example, “an interference fit member including a second material helically disposed about at least a part of the portion of the hub assembly including the first material” (emphasis added).

Instead, McGlinch appears to disclose interference fit elements formed as rings and/or as locking elements. Nothing in McGlinch appears to teach or disclose an interference fit element with material that is helically disposed, as recited in claim 26. Similarly, Gadberry is completely silent regarding an interference fit element with material that is helically disposed, as recited in claim 27. Taken alone or in combination, the cited references fail to teach or suggest any helically disposed material, and therefore fail to teach or suggest all the elements of claim 26.

For at least these reasons, Applicant asserts that the double patenting rejection of claim 26 is improper, as is the double patenting rejection of claim 27, which depends from claim 26 and includes additional limitations thereto, and requests withdrawal of the rejections.

Conclusion

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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By his Attorney,

Date: July 9, 2010

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